

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No.: 5024

N. UEMURA et al.

Art Unit: 4137

Application No.: 10/578,905

Examiner: Jeremy S. BASKIN

Filed: May 12, 2006

Attorney Dkt. No.: 108179-00056

For: CAPACITY CONTROL VALVE

RESPONSE TO SPECIES RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: November 20, 2008

Sir:

In response to the Office Action dated October 22, 2008, Applicants hereby provisionally elect Claims 1 and 5 of Species I, directed to Fig. 1.

This election is made **without traverse**. Consideration and allowance of all pending claims are respectfully requested.

Applicants respectfully submit that Claims 1 and 4 are generic to all species. Accordingly, Applicants, upon the allowance of generic Claims 1 and 4, retain the right to request rejoinder of the claims directed to the non-elected species as provided by 37 C.F.R. § 1.141. Furthermore, Applicants reserve the right to file one or more divisional applications directed to the non-elected claims.

Please charge any fee deficiency or credit any overpayment with respect to this paper to Deposit Account No. 01-2300, referencing docket number 108179-00056.

Respectfully submitted,



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